

Consultee Comments for Planning Application APP/24/00711

Application Summary

Application Number: APP/24/00711

Address: Former Gas Manager's House, 69 North Street, Emsworth

Proposal: Application to determine whether prior approval is required for the method of demolition of 1No.gas managers house.

Case Officer: Kayleigh Taylor

Consultee Details

Name: Consultee Principal Ecologist

Address: Public Service Plaza, Civic Centre Road, Havant PO9 2AX

Email: Not Available

On Behalf Of: Ecologist

Comments

Dear Kayleigh,

APP/24/00711 | Application to determine whether prior approval is required for the method of demolition of 1No.gas managers house. | Former Gas Manager's House, 69 North Street, Emsworth

Thank you for consulting me on this application for the prior approval of demolition methods.

The building has been subject to detailed bat surveys in 2023 and 2024 (CT Ecology, July 2024) during which a peak of three Common Pipistrelle bats were observed roosting within the building in 2023. The proposed demolition will obviously result in the total loss of this roost and therefore a European protected species mitigation licence will be required prior to demolition.

This development will affect bats, which receive strict legal protection under UK law by the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 (commonly referred to as the Habitats Regulations). Where development affects a European protected species (EPS), permission can be granted unless the development is likely to result in a breach of the Habitats Regulations and is unlikely to be granted a licence from Natural England to allow the development to proceed under a derogation from the law.

An EPS licence can only be granted if the development proposal is able to meet three tests:

1) the consented operation must be for preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment; (Regulation 53(2)(e))

2) there must be no satisfactory alternative (Regulation 53(9)(a)); and

3) the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range (Regulation 53(9)(b)).

It is for you as the case officer to assess the proposals against the first two tests you may wish to ask for further information from the applicant. In order to assess the development against the third test, sufficient details must be available to show how killing / injury of bats will be avoided and how the loss or damage to bat roosts will be compensated. A mitigation strategy has been provided, detailing specific measures to avoid harm to bats during the demolition works and to provide compensatory roost features within the application site. I would support these measures and, on the basis of the information currently available, and if you are satisfied that the first two tests can be met, I am confident that the development is not unlikely to be licensed. I would recommend that LPAs engagement with the Habitats Regulations is detailed in your report.

If you are minded to grant permission, can I suggest that ecological avoidance, mitigation and enhancement measures are secured by condition.

Development shall proceed in accordance with the ecological avoidance, mitigation, and compensation measures as detailed in the Bat Survey Addendum report (CT Ecology, July 2024) unless otherwise agreed in writing by the Local Planning Authority. Reason: to provide ecological protection and enhancement in accordance with the Environment Act 2021, Conservation Regulations 2017, Wildlife & Countryside Act 1981, NPPF, NERC Act 2006 and Policy CS 11 of the Havant Borough Core Strategy March 2011.

If you have any queries, please don't hesitate to contact me.

Kind regards,

Tristan

Tristan Norton

Principal Ecologist | E: tristan.norton@havant.gov.uk

Planning Services, Havant Borough Council, Public Service Plaza, Havant, PO9 2AX